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ATTORNEY'S DOCKET NUMBER: 0157755-0257 (BHC 031001 US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Munnes, *et al.* Examiner: Not yet assigned
Serial No: 10/561,485 ✓ Group Art Unit: Not yet assigned
Filing Date: December 16, 2005
Title: Methods and Kits for Investigating Cancer

Mail Stop: Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

Enclosed are the following documents:

1. Statement under 37 C.F.R. §§ 1.56, 1.97, and 1.98 (6 pages);
2. Form PTO-1449 (8 pages);
3. Cited Art (127 references); and
4. Return Postcard.

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,

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Dated: July / , 2006

Certificate of Mailing

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 5, 2006
Date

Signature

Vincent Montalbano

Typed or Printed Name of person signing certificate



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Sir:

STATEMENT UNDER 37 C.F.R. §§ 1.56, 1.97, AND 1.98

Pursuant to the duty of disclosure under 37 C.F.R §§ 1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

Type of Statement

The present Information Disclosure Statement is:

- ☒ An *original* Information Disclosure Statement; or
- ☐ A *supplemental* Information Disclosure Statement.

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Date

Signature

Vincent Montalbano
Name of Person Signing

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

- ☒ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:
- ☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
 - ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
 - ☒ Before the mailing of a first Office action on the merits; or
 - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
- ☐ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:
- ☐ Certifies that *either*:
 - ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
 - ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the

information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement; or

☐ Includes herewith the fee set forth in § 1.17(p),

☐ Pursuant to 37 CFR § 1.97(d), after the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:

☐ Certifies that *either*:

☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement; and

☐ Includes herewith the fee set forth in § 1.17(p).

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

- ☒ A copy of each cited reference not indicated with an asterisk is included;
- ☒ A copy of each of the references cited on the attached form PTO-1449 (modified) is enclosed, except for U.S. patents and U.S. patent application publications for which the submission requirement has been waived by the PTO in the Official Gazette Notice of August 5, 2003, for applications filed after June 30, 2003;
- ☐ Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status

- ☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

- ☒ Does not contain non-English language citations;
- ☐ Includes one or more translations of a non-English citation; or

[] Does contain non-English language citations, of which the following is a concise explanation:

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b) .

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 USC § 102.

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,

Dated: July 1, 2006



Cameron M. Luitjens, Ph.D.
Registration Number: 58,674

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Atty. Docket:
0157755-0257

In re Application No.
10/561,485

INFORMATION DISCLOSURE STATEMENT
 (Use several sheets if necessary)

Applicant: Munnes, *et al.*

Filing Date:
December 16, 2005

Group:

U.S. PATENT DOCUMENTS

Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass
	4,683,195	Mullis, <i>et al.</i>	July 28, 1987	435	6
	4,683,202	Mullis	July 28, 1987	435	91
	4,843,155	Chomeczynski	June 27, 1989	536	27
	5,223,409	Ladner, <i>et al.</i>	June 29, 1993	435	69.7
	5,262,311	Pardee, <i>et al.</i>	November 16, 1993	435	91.2
	5,283,317	Saifer, <i>et al.</i>	February 1, 1994	528	405
	5,498,531	Jarrell	March 12, 1996	435	91.31
	5,556,752	Lockhart, <i>et al.</i>	September 17, 1996	435	6
	5,565,332	Hoogenboom, <i>et al.</i>	October 15, 1996	435	69.1
	5,578,832	Trulson, <i>et al.</i>	November 26, 1996	250	458.1
	5,593,839	Hubbell, <i>et al.</i>	January 14, 1997	435	6
	5,599,695	Pease, <i>et al.</i>	February 4, 1997	435	91.1
	5,631,734	Stern, <i>et al.</i>	May 20, 1997	356	317
	5,641,673	Haseloff, <i>et al.</i>	June 24, 1997	435	325
	5,705,151	Dow, <i>et al.</i>	January 6, 1998	424	93.21
	5,714,331	Buchardt, <i>et al.</i>	February 3, 1998	435	6
	5,976,813	Beutel, <i>et al.</i>	November 2, 1999	435	7.1
	6,203,987	Friend, <i>et al.</i>	March 20, 2001	435	6

U.S. PATENT APPLICATIONS

Examiner's Initials:	Serial Number:	Applicant:	Filing Date:	Group:	Art Unit:
	2003-143539	Bertucci, <i>et al.</i>	July 31, 2003		

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Document No.	Country	Date	Translation	
				Yes	No
	WO 1993/03151	WO	February 18, 1993		
	WO 1994/10300	WO	May 11, 1994		
	WO 1994/13804	WO	June 23, 1994		
	WO 1995/22058	WO	August 17, 1995		

Form PTO-1449 (REV. 8-83)		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket: 0157755-0257		In re Application No. 10/561,485	
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				Applicant: Munnes, <i>et al.</i>			
				Filing Date: December 16, 2005		Group:	
	WO 1997/02357	WO	January 23, 1997				
	WO 1997/14028	WO	April 17, 1997				
	WO 1997/27317	WO	July 31, 1997				
	WO 1997/29212	WO	August 14, 1997				
	WO 1999/12826	WO	March 18, 1999				
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	EP 0 721 016	Europe	October 20, 1995				
	EP 0 728 520	Europe	February 8, 1996				
	EP 0 799 897	Europe	April 3, 1997				
	EP 0 785 280	Europe	November 28, 1996				
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OTHER DOCUMENTS							
Examiner's Initials	Citation (Including Author, Title, Date, Pertinent Pages, Etc.)						
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Form PTO-1449 (REV. 8-83) INFORMATION DISCLOSURE STATEMENT <i>(Use several sheets if necessary)</i>	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket: 0157755-0257 In re Application No. 10/561,485
	Applicant: Munnes, <i>et al.</i>	Filing Date: December 16, 2005 Group:
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		Applicant: Munnes, <i>et al.</i>	
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		Applicant: Munnes, <i>et al.</i>			
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EXAMINER	DATE CONSIDERED

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